

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

Chambers of  
**Ellen Lipton Hollander**  
District Court Judge

101 West Lombard Street  
Baltimore, Maryland 21201  
410-962-0742

October 27, 2020

MEMORANDUM TO COUNSEL

Re: *Cengage Learning, Inc. et al. v. Thrift Books Global LLC.*,  
Civil Action No. ELH-20-1924

Dear Counsel:

As you know, on June 26, 2020, plaintiffs Cengage Learning, Inc., Pearson Education, Inc., Elsevier Inc., and McGraw Hill LLC filed suit against Thrift Books Global LLC (“Thrift Books Global”), alleging that defendant had engaged in “unlawful distribution of counterfeit textbooks purporting to be those published by Plaintiffs.” ECF 1 at 1 (the “Complaint”). Plaintiffs lodged three claims against Thrift Books Global: copyright infringement, under 17 U.S.C. §§101, *et seq.*; infringement of federally registered trademarks, under 15 U.S.C. § 1114; and trademark counterfeiting, under § 1114(1)(a). *Id.* ¶¶ 32-49.

Summons was issued on June 30, 2020. ECF 6. However, plaintiffs have not submitted evidence that defendant has been served. *See* Docket.

Rule 4(m) of the Federal Rules of Civil Procedure requires a plaintiff to serve defendants “within 90 days after the complaint is filed.” If any defendant is not served within that time, “the court . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” *Id.* Pursuant to Rule 4(m), plaintiffs were required to serve defendant by September 28, 2020.

Local Rule 103.8 provides that “the Court may enter an order asking the party to show cause why the claim should not be dismissed” if a plaintiff “has not effected service of process within 90 days” of filing the suit. The same Local Rule states that “the claim shall be dismissed without prejudice” if the plaintiff fails to show cause within “within fourteen (14) days of the entry of the order or such other time as may be set by the Court.” Local Rule 103.8.

Accordingly, plaintiffs are directed to effect service of process upon defendant by **November 13, 2020**, or, alternatively, show cause by that date as to why the claims against defendant should not be dismissed under Fed. R. Civ. P. 4(m) and Local Rule 103.8, without prejudice, for failure to effect service of process.

Despite the informal nature of this Memorandum, it is an Order of the Court, and the Clerk is directed to docket it as such.

Very truly yours,

/s/

Ellen Lipton Hollander  
United States District Judge